

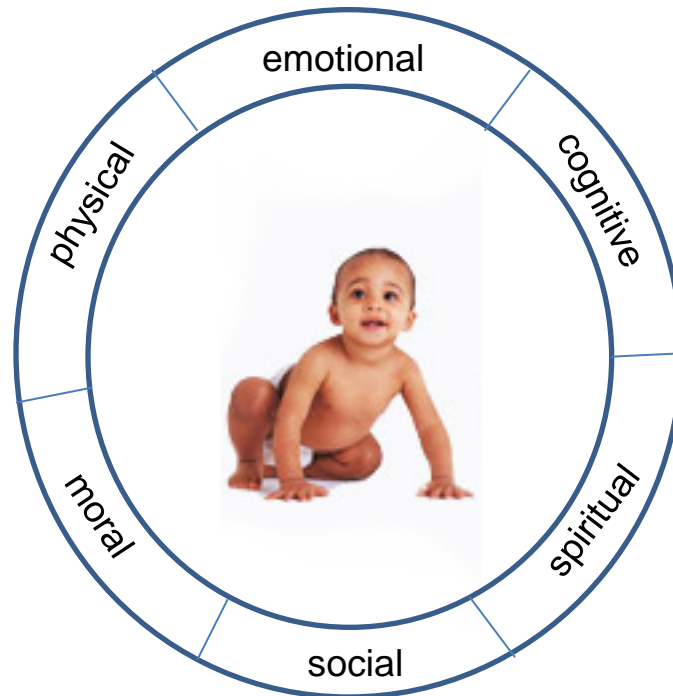
# Children's rights to health

From survival to optimal development



# What is health?

The World Health Organisation defines health as:  
“a state of complete physical, mental and social well-being  
and not merely the absence of disease or infirmity.”



# Children's rights to health

The United Nations Committee on Economic, Social and Cultural Rights has interpreted the right to health **broadly** as:

*“... an inclusive right extending not only to timely and appropriate **health care**, but also to the **underlying determinants of health**, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health related education and information, including on sexual and reproductive health. A further important aspect is the **participation** of the population in all health-related decision-making at the community, national and international levels.”*



# The international Bill of Rights

**1948** – United Nations Declaration of Human Rights

**1966** – International Covenant on Civil and Political Rights

– International Covenant on Economic Social and Cultural Rights

## International child rights instruments

**1989** – United Nations Convention on the Rights of the Child

**1990** – African Charter on the Rights and Welfare of the Child

**1996** – South African Constitution and Bill of Rights



# Children's rights to health in the Constitution

International  
Covenant on  
Economic,  
Social and  
Cultural Rights  
(1966)

United Nations  
Convention on  
the Rights of  
the Child  
(1989)

African  
Charter on the  
Rights and  
Welfare of the  
Child  
(1990)

Constitution  
of the Republic  
of South Africa  
Act 108  
of 1996

Children's Act  
38 of 2005  
(as amended by  
the Children's  
Amendment  
Act 41  
of 2007)

Everyone is **equal** before the law and the State may not unfairly discriminate against anyone – sections 9(1) and (3).

Everyone has inherent **dignity** and has the right to have their dignity respected and protected – section 10.

Everyone has the **right to life** – section 11.

Everyone has the right to freedom and security of the person, including the right to be **free from** all forms of **violence** – section 12(1)(c).

Everyone has the right to an **environment** that is not harmful to their health or well-being – section 24(a).

Everyone has the right to have access to adequate **housing** – section 26(1).

Everyone has the right to have access to **health care services**, sufficient **food and water**, and **social security** (including social assistance) – section 27(1).

Everyone has the right to **basic education** (including adult education) and further education – section 29(1).

**Children** have the right to **family, parental or alternative care** – section 28(1)(b).

Children have the right to basic **nutrition, shelter**, basic **health care services and social services** – section 28(1)(c).

Children have the right to **protection** from maltreatment, neglect, abuse or degradation – section 28(1)(d).

A child's **best interests** are of paramount importance in every matter concerning the child – section 28(2).

Every child that is of such an age, maturity and stage of development to be able to participate in any matter concerning that child has the **right to participate** in an appropriate way; views expressed by the child must be given due consideration – section 10.

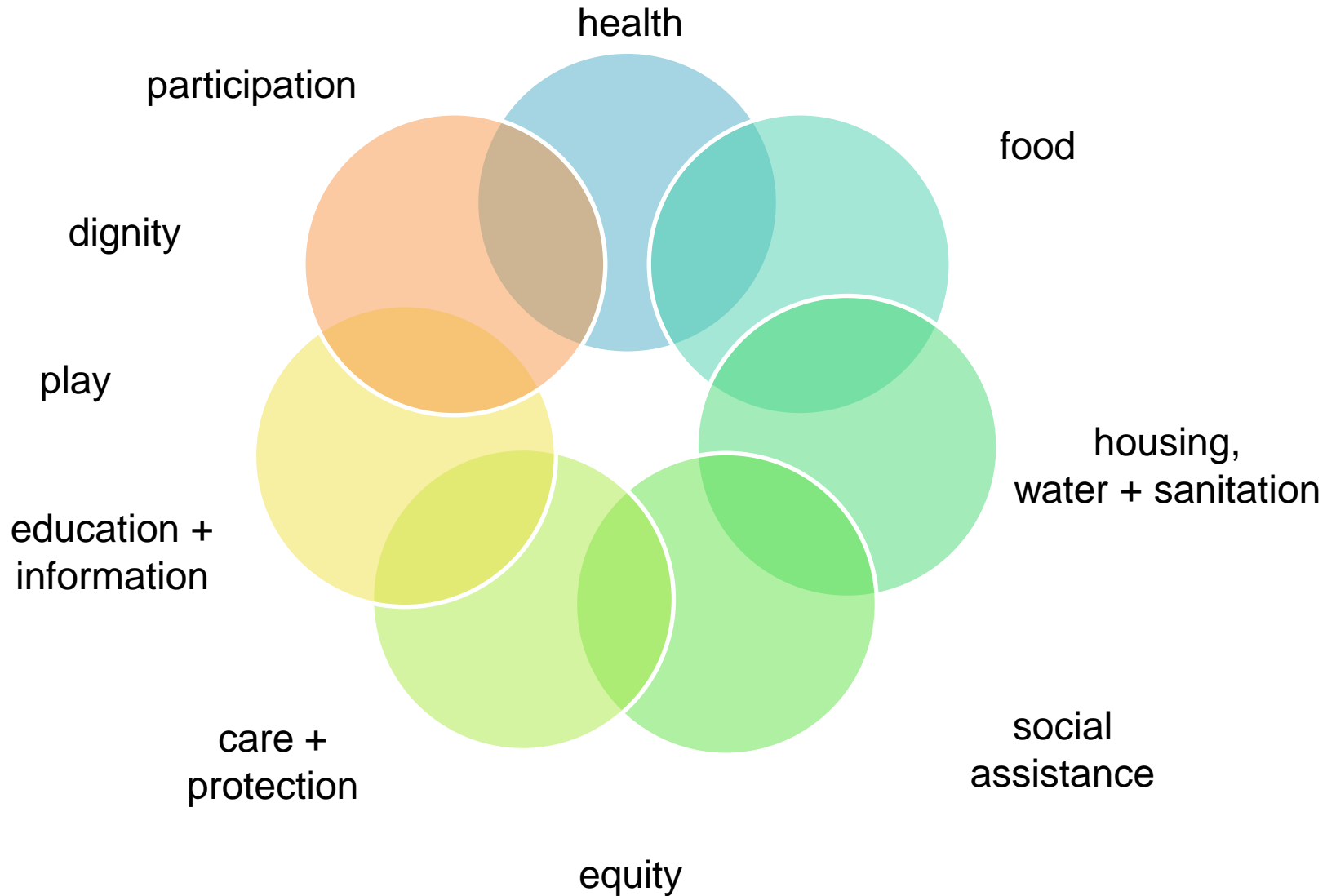


# Laws, policies and programmes

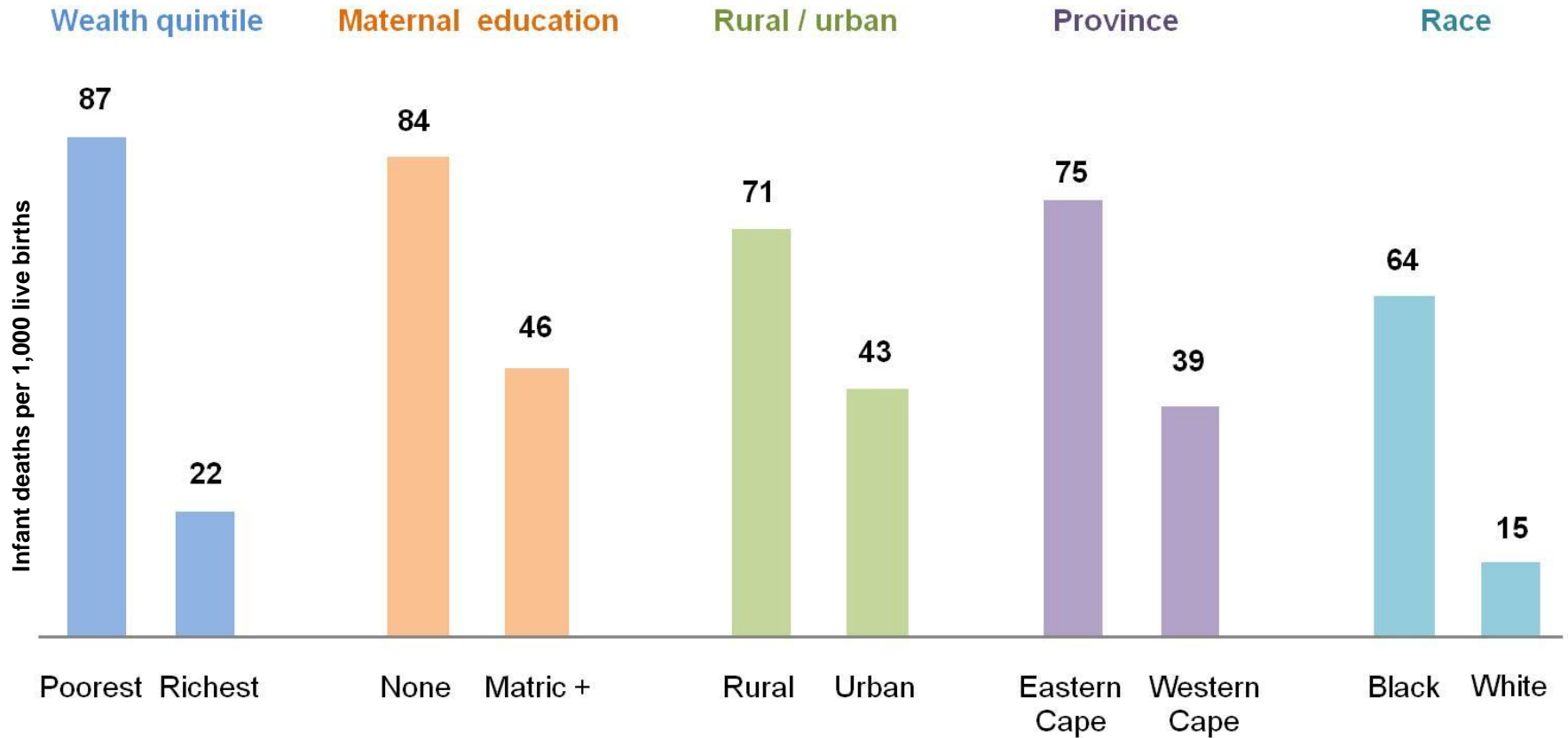
Right	Law	Key programmes
Health care services	National Health Act 61 of 2003	<ul style="list-style-type: none"> <li>• Free primary health care for everyone</li> <li>• Free health care for pregnant women and children under six years</li> <li>• Free health care for social grant recipients</li> <li>• Integrated Management of Childhood Illnesses</li> <li>• Prevention of mother-to-child transmission of HIV (PMTCT)</li> </ul>
Water (including basic sanitation)	Water Services Act 108 of 1997 (and various local government laws and by-laws that regulate local government service delivery)	<ul style="list-style-type: none"> <li>• Free basic water</li> </ul>
Social assistance	Social Assistance Act 13 of 2004	<ul style="list-style-type: none"> <li>• Child Support Grant • Foster Child Grant</li> <li>• Care Dependency Grant • Old Age Pension</li> <li>• Disability Grant • Social Relief of Distress</li> </ul>
Housing	Housing Act 107 of 1997	<ul style="list-style-type: none"> <li>• Housing subsidies</li> </ul>
Social services and protection from abuse and neglect	Children's Act 38 of 2005 (as amended by the Children's Amendment Act 41 of 2007)	<ul style="list-style-type: none"> <li>• Crèches • Early childhood development</li> <li>• Parenting skills training • Child and family counselling</li> <li>• Home- and community-based care • Protection services</li> <li>• Foster care • Child and youth care centres</li> </ul>
Food and nutrition	These rights do not have their own express legislative framework.	<ul style="list-style-type: none"> <li>• Social grants • National School Nutrition Programme</li> <li>• Vitamin A supplementation • Food fortification</li> <li>• Integrated Food Security and Nutrition Programme</li> </ul>



# Children's rights to health are interdependent



# Factors influencing infant mortality



**Source:** Department of Health (2002) *South African Demographic and Health Survey 1998*. Pretoria: DoH; World Health Organisation (2007) *World Health Statistics 2007*. Geneva: WHO. Both in: Bradshaw D (2008) *Determinants of Health and their trends*. *South African Health Review*. Durban: Health Systems Trust.





# What can we do to realise children's rights and promote wellbeing?

